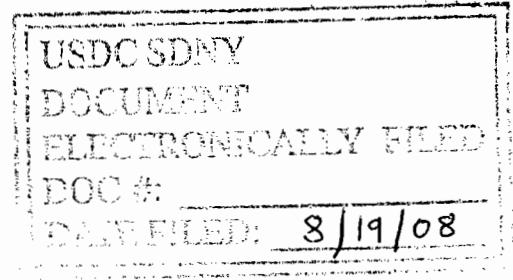


MEMO

FILED



MICHAEL A. CARDOZO
Corporation Counsel

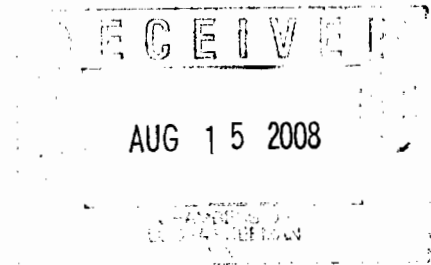
THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

KATHERINE E. SMITH
Assistant Corporation Counsel
(212) 513-0462
(212) 788-9776 (fax)
ksmith@law.nyc.gov

August 14, 2008

BY FACSIMILE

Honorable Debra C. Freeman
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007
Fax: 212-805-4258



Re: Michael "Mohammad" Pullum v. City of New York, et al.
08 Civ. 105 (KPC)(DCF)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants City of New York, Pena, Gunn-Welsh, Purdie and Grant in the above-referenced matter, in which the Court previously granted defendants until June 2, 2008 to respond to the complaint in this matter. By Order dated June 6, 2008, the Court compelled plaintiff to produce releases for records sealed pursuant to N.Y.C.P.L. §160.50 and granted defendants additional time until July 31, 2008 to respond to the complaint. On July 23, 2008, defendants City of New York, Pena and Gunn-Welsh served their answer to the complaint and on July 23, 2008 the Court granted defendants Ramirez, Purdie, Grant, Tejada and Davis an additional enlargement of time until August 14, 2008 to respond to the complaint.¹ Without appearing or making any representations on behalf of defendants Tejada and Davis, I write to respectfully request that their time to respond to the complaint in this action be enlarged an additional two weeks to and including August 28, 2008 so that their defenses are not jeopardized while representational issues are being decided. Plaintiff does not consent to this request because he believes that defendants have already had enough time to respond.

¹ Today, the defendants Purdie, Ramirez and Grant served their answer to the complaint. On information and belief, defendants O'Neal and Walker have not been served with process in this matter. A review of the Court's docket sheet does not reflect service on these individuals and this office has not received requests for representation from them.

A further two week enlargement of time is necessary so that this office can make the requisite representational decisions as to defendants Tejada and Davis. Pursuant to Section 50-K of the New York General Municipal Law, the Corporation Counsel's office must determine based on a review of the facts of the case, whether we may represent these officers. If the Corporation Counsel's office determines that it can represent them in this matter, they must then decide whether they wish to be represented by the Corporation Counsel, and if so, the Corporation Counsel's office must obtain his written authorization. While I have recently received requests for representation from these officers, for the following reasons I have been unable to confer with them regarding representation.

I had previously been informed that defendant Davis was returning to work from sick leave on July 23, 2008. However, as I was out of the office from July 24, 2008 through August 1, 2008, and I was unable to conduct the representational interview at that time. Upon my return from vacation I learned that defendant Davis has returned to extended sick leave. While I have attempted to have his commanding officer reach out to him at home, I have not yet heard from him and accordingly I have been unable to conduct the mandatory representational investigation and complete a representational interview. Finally, despite my best efforts, I have not yet been able to confer with defendant Tejada regarding representation. As a result, an enlargement of time will afford this office an opportunity to complete its investigation.

Accordingly, I respectfully request that defendants Tejada and Davis' time to answer or otherwise respond to the complaint be enlarged to and including August 28, 2008.

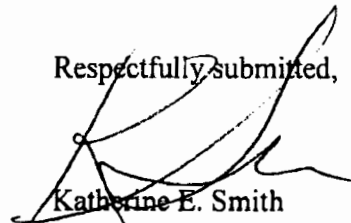
I thank the Court for its time and consideration of this request.

SO ORDERED: DATE: 8/18/08

.....


DEBRA FREEMAN
UNITED STATES MAGISTRATE JUDGE

Respectfully submitted,



Katherine E. Smith
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Michael "Mohammad" Pullum, plaintiff *pro se*
1135 Eastern Parkway
Brooklyn, NY 11237 (By First Class Mail)